

HONORABLE THOMAS S. ZILLY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

MARIA DEL ROSARIO JARAMILLO
BALLESTEROS, as Personal
Representative of the ESTATE OF JAIME
CARRILLO MONTENEGRO; MARIA
DEL ROSARIO JARAMILLO
BALLESTEROS, an individual; MARIA
FERNANDA CARRILLO JARAMILLO,
an individual and minor; RAQUEL
JAVELA ROJAS, as Personal
Representative of the ESTATE OF JAIME
EDUARDO HERRERA ROMERO;
RAQUEL JAVELA ROJAS, an individual,

Plaintiffs,

vs.

THE BOEING COMPANY, a Delaware
Corporation,

Defendant.

CASE NO.: 2:22-cv-393 TSZ

DECLARATION OF FELIPE PIQUERO IN
SUPPORT OF PLAINTIFFS' OPPOSITION TO
DEFENDANT BOEING'S MOTION TO
DISMISS ON THE GROUNDS OF FORUM
NON CONVENIENS

ORAL ARGUMENT REQUESTED

NOTED FOR CONSIDERATION:
MARCH 10, 2023

1 I, Felipe Piquero, declare as follows:

2 1. I am an attorney licensed to practice law before all of the courts in Colombia, and
3 am a partner at the firm ESGUERRA, BARRERA & ARRIAGA. I am a graduate of Pontificia
4 Universidad Javeriana in Bogota, Colombia and possess a Masters Degree in Law (LLM) from
5 Universitat Konstanz in Germany. I have personal knowledge of the following facts, and if called
6 upon as a witness, I could and would testify competently thereto, under oath.

7 2. Between 1990 and 2006, I was a Professor of Law at Pontificia Universidad
8 Javeriana in Bogota and Universidad de los Andes in Bogota. I taught courses in Administrative
9 Law, Constitutional Law, International Responsibility and Human Rights Law. I was also the
10 editor of the Public Law Review of Universidad de los Andes in Bogota.

11 3. From 1997 to 2000 I was Minister Counselor in the Colombian Embassy to the
12 United States and General Director for Special Affairs in the Ministry of Foreign Affairs.

13 4. My main field of expertise is litigation before arbitral tribunals as well as
14 administrative and civil courts in Colombia. A true and correct copy of my curriculum vitae is
15 attached hereto as **Exhibit A**.

16 5. Plaintiffs will not be able to pursue a product liability case in Colombia because
17 the Grupo de Investigacion de Accidentes Aereos Colombia ("GRIAA") has already issued its
18 final report, finding that the cause of the crash was due to actions or inactions of the airline
19 during its operation and maintenance of the plane.

20 6. The report produced by the GRIAA corresponds to the exercise of the powers
21 enshrined in the aviation regulation of Colombia (RAC), with respect to the investigation of
22 aircraft accidents. The GRIAA's reports play an authoritative role in civil litigation because the
23 findings of the GRIAA Report cannot be challenged in a Colombian court, as the Report is the
24 sole source of expert evidence the court in Colombia will consider.

25 7. There have only been a few cases seeking civil liability for aviation accidents that
26 have occurred in this country. In all such cases where there has been a report of the GRIAA,
27 related to the causes of a plane crash, judges have given full evidentiary value and proof to the

1 GRIAA Report, unless the GRIAA and its wrongdoing was involved in the accident, which is
2 not the case here.

3 8. In summary, there is no adequate, alternative or appropriate forum in Colombia
4 to resolve product liability claims brought by the Plaintiffs in Colombia where there exists a
5 GRIAA Report that identifies and attributes the causes of the crash to non-manufacturing parties,
6 like the airline and its maintenance and crew, in this matter.

7 I declare under penalty of perjury under the laws of the United States that the foregoing
8 is true and correct. Executed this 6th day of March, 2023, at Bogota, Colombia.

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FELIPE PIQUERO

CERTIFICATE OF SERVICE

On March 6, 2023, I caused to be served upon the below named counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of the foregoing document.

<p>Christopher Ledford Erik Kundu Perkins Coie, LLP 1201 3rd Avenue, Suite 4900 Seattle, WA 98101 Phone: 206-359-8000 Fax: 206-359-9000</p> <p>Alletta Brenner Perkins Coie, LLP 1120 NW Couch Street, 10th Floor Portland, OR 9709 Phone: 503-727-200 Fax: 503-727-2222</p>	<p><input type="checkbox"/> U.S. Mail <input type="checkbox"/> Fax <input type="checkbox"/> Legal messenger <input checked="" type="checkbox"/> Electronic Delivery (per electronic service agreement and/or via efilng)</p> <p>cledford@perkinscoie.com ekundu@perkinscoie.com jpeter@perkinscoie.com jstarr@perkinscoie.com abrenner@perkinscoie.com</p>
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Dated this 6th day of March, 2023.

By: s/ Daniel R. Laurence

Daniel R. Laurence WSBA No. 19697

3600 15th Ave. W., Ste. 300

Seattle, WA 98119

Tel. (206) 448-1777

dan@stritmatter.com